

IN THE DISTRICT COURT OF THE \_\_\_\_\_ JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF \_\_\_\_\_  
MAGISTRATE DIVISION

Petitioner,	)	Case No. _____
	)	
vs.	)	TEMPORARY PROTECTION ORDER
	)	AND NOTICE OF HEARING
	)	
Respondent ( <i>Restrained Person</i> ).	)	
	)	

**THE COURT FINDS:**

- (1) The Court has jurisdiction over the parties and the subject matter.
- (2) The person(s) protected by this order are:

Petitioner.

Minor child/ren (*first and last names*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- (3) The Respondent represents an immediate and present danger of domestic violence to the Protected Person(s) and irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to Respondent.

The Respondent will be given notice and an opportunity to be heard within a reasonable time after this order is issued, sufficient to protect the Respondent's due process rights.

**Warnings:**

This order shall be enforced, even without registration, by the courts of all fifty (50) states, the District of Columbia, the U.S. Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States and may be enforced on Tribal Lands (18 U.S.C. 2265). Crossing state, territorial or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. 2262).

VIOLATION OF ANY PROVISION OF THIS ORDER BY THE RESPONDENT OR A PERSON WHO IS RESTRAINED BY THIS ORDER, WHICH COULD INCLUDE THE PROTECTED PERSON, AFTER ACTUAL NOTICE OF ITS TERMS, IS A MISDEMEANOR AND MAY RESULT IN ARREST AND SENTENCING FOR UP TO ONE (1) YEAR IN JAIL AND A FIVE THOUSAND DOLLAR (\$5,000) FINE, EVEN IF THE PROTECTED PERSON CONSENTS TO THE VIOLATION.

**THE COURT ORDERS:**

- 1. **Expiration Date.** This order shall expire at 11:59 p.m. on \_\_\_\_\_.

2. **Personal Conduct Order.** Respondent shall not contact, either directly or indirectly; molest; menace; threaten, attempt or commit, (either in person or through any other person) any act of physical injury, sexual abuse, or forced imprisonment upon:

[01]

The Protected Person

The minor child/ren residing in the Protected Person's household.

To further the protection of the Protected Person no Protected Person shall contact Respondent, either directly or indirectly.

[05]

Exceptions are:

to meet with or through attorneys or during legal proceedings

contact by telephone to arrange visitation of the child/ren

contact by telephone between \_\_\_\_\_ .m. and \_\_\_\_\_ .m. on

\_\_\_\_\_ for the following purposes: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

to participate in counseling/mediation, if Court ordered

to respond to an emergency involving the child/ren

Other: \_\_\_\_\_

\_\_\_\_\_

3. **Stay-Away Order.** Respondent shall not, **EVEN IF INVITED BY THE PROTECTED PERSON,**

go to: go within \_\_\_\_\_ feet of:

Protected Person's residence at \_\_\_\_\_

\_\_\_\_\_

[04]

Protected Person's school campus or work place at \_\_\_\_\_

\_\_\_\_\_

Protected Person's child/ren's school campus or work place at \_\_\_\_\_

\_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

4. **Move-out Order.** Respondent Protected Person is ordered to move from the residence at

[03]

\_\_\_\_\_ and take from the residence only items needed for employment and necessary personal effects (at peace officer's discretion).

5. **Child custody.** Custody of the minor child/ren is awarded  
as provided in the existing child custody order/divorce decree entered \_\_\_\_\_  
as follows:

[06]

Name of Child (first, middle initial, last)	Birth Date	Sex	Custody Awarded To

Protected Person      Respondent

[09]

shall NOT have the child/ren until further order of the Court

shall have the child/ren as follows (*list days, times and conditions*): \_\_\_\_\_

[06]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

supervised by: \_\_\_\_\_

neutral drop off/pick up location: \_\_\_\_\_

child/ren to be transported by: \_\_\_\_\_

Neither party shall remove the child/ren from \_\_\_\_\_

6. **Law enforcement assistance.** Peace officers are instructed to enforce this Court order by all necessary means, including arrest.

Law enforcement officers are ordered to:

Remove the Respondent from the residence at \_\_\_\_\_. **The time for removal shall be at the peace officer's discretion**, but no later than \_\_\_\_\_ hours after service of this order.

Place the Protected Person in possession of the residence at \_\_\_\_\_

Supervise the removal of Protected Person's Respondent's items needed for employment and necessary personal effects (at peace officer's discretion) from the residence.

7. **Conflicting Orders.**

If any term of another order conflicts with any term of this order you must follow the more restrictive term.

After this order is entered, a Court in another case may enter an order changing custody, support or property. The terms of any such order will control over any conflicting terms in this order.

8. **Changes by parties.** This order **cannot** be changed except by Court order.

9. **Order to clerk.** It is further ordered that the clerk of the court shall forward a copy of this order to the appropriate law enforcement agency for immediate service upon Respondent; and the clerk shall deliver or mail a copy of this order to the Petitioner.

10. **Other:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[07]

[08]

**NOTICE OF HEARING**

The Petitioner and Respondent are notified that a hearing to decide whether a 90-day protection order will be issued is scheduled before Judge \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m, at the \_\_\_\_\_ County Courthouse located at \_\_\_\_\_ in \_\_\_\_\_, Idaho.

**WARNING:** IF THE RESPONDENT DOES NOT APPEAR AT THE HEARING, A 90-DAY PROTECTION ORDER MAY BE ISSUED AGAINST THE RESPONDENT. IF THE PETITIONER FAILS TO APPEAR, THE PETITION MAY BE DISMISSED.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Judge

I have received a copy of this order.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Petitioner

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Respondent

**ATTENTION:** KEEP A COPY OF THIS ORDER IN YOUR POSSESSION AT ALL TIMES IN ORDER TO ASSIST PEACE OFFICERS. IMMEDIATELY REPORT ANY VIOLATION OF THIS ORDER TO LAW ENFORCEMENT.